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March 10, 2003

Via E-Mail & Facsimile
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Mattie C. Condray, Senior Assistant
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Legal Services Corporation
750 First Street, N.E.
Washington, D.C. 20002-4250

**Re: LSC Request for Comments on Suggested LEP Guidance for LSC
Grantees, 68 Federal Register 1210 (January 9, 2002)**

Dear Ms. Condray:

On behalf of Neighborhood Legal Services of Los Angeles County ("NLS") we are writing regarding the request for comments concerning Limited English Proficient individuals (hereafter "LEP"(s)) and LSC programs. Thank you for publishing this request for comments. We recommend the establishment of a working group to develop an LSC specific LEP Guidance. We also recommend that LSC provide technical assistance on best practices to grantees while the guidance is being developed.

LEPs Are Prevalent within the Low-Income Client Community.

Los Angeles County is a very diverse community with a large number of LEPs. For instance, the Los Angeles welfare agency estimates that 41% of its clients are LEPs.¹ That agency recognizes one time "threshold" languages² including Spanish, Armenian, Vietnamese, Khmer (Cambodian), Chinese, and Russian.

¹ Los Angeles County Department of Public Social Services' Characteristics survey.

² Under California law "threshold" is defined as a language other than English that is spoken by 5% of a local office's clients.

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As NLS has expanded our service area to other parts of the County, the number of NLS' LEP clients and the languages spoken by them has grown. For instance, our recent expansion into the San Gabriel Valley has meant serving new Asian LEPs. Approximately 35% of San Gabriel Valley residents are Asian or Pacific Islanders ("APIs"). Comprising 11.9% of the total population in Los Angeles County, APIs are the 3rd largest ethnic group.³ APIs are the fastest growing racial group in the United States today.⁴ As a result, language is one of the largest barriers for APIs. In 2000, 2.6% of the 105,539,122 U.S. households spoke an Asian language.⁵ Of those households, 29.2% -- or 801,253 households -- were linguistically isolated, meaning all the adults in the household had some limitation in communicating in English.⁶

The prevalence of LEPs within the low-income community is not unique to NLS, or to Los Angeles. The California Department of Education estimates that approximately one in four children in grades K-12 speak a primary language other than English (and are classified as "English learners").⁷ Statewide the major primary languages spoken by K-12 students include: Spanish, Vietnamese, Hmong, Cantonese, Tagalog (Filipino) and Khmer (Cambodian).⁸ The number of students speaking a primary language other than English has risen dramatically over the last two decades -- six times faster than the growth in overall student enrollment.⁹ Many of these monolingual students were born in the U.S.¹⁰

As the statistics demonstrate, LEPs are an increasing segment of California's population. This growth in LEPs is present in other states as well. LSC programs throughout the U.S. face the new challenge of serving these diverse groups. For this reason, we recommend that LSC play a strong role in improving services to LEPs.

NLS' Services for LEPs***a. NLS' Advocacy efforts on behalf of LEPs***

NLS has been in the forefront in civil rights advocacy for LEPs in LA County. For instance, NLS has successfully advocated with the local welfare agency (Los Angeles County Department of Public Social Services ("DPSS")) and the Los Angeles City

³ *State and County Quick Facts of Los Angeles County, California* (2000), U.S. Census Bureau at www.census.gov.

⁴ *Making Waves*, Asian Pacific American Labor Alliance -- Los Angeles Newsletter, May/June/July 2002, page 3.

⁵ Lai, Eric & Arguelles, Dennis, *The New Face of Asian Pacific America: Numbers, Diversity & Change in the 21st Century* (2003), p. 30.

⁶ *Id.*

⁷ *The Linguistic Landscape of California Schools*, California Counts--Population Trends and Profiles, Volume 3 # 4 (February 2002). The Public Policy Institute of California. (citing California Department of Education data) (available online at: www.ppic.org/content/pubs)

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

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Workforce Investment Board ("WIB") to ensure LEPs have access to a full range of skills training and educational opportunities. As a result, these agencies have allocated approximately 2.5 million dollars to create over 16 new skills training programs for LEPs. NLS also trains CBOs and agencies on Title VI and other civil rights laws. For instance, in conjunction with the WIB's Civil Rights coordinator, our staff is developing a training for local One-Stop Centers on their legal obligations to serve LEPs.

NLS, the Asian Pacific American Legal Center (APALC) and the Legal Aid Foundation of Los Angeles ("LAFLA") have also filed a Title VI Civil Rights complaint with the United States Department of Health and Human Services alleging that the local welfare agency fails to provide LEPs with meaningful and equal access to its programs. We expect that HHS will issue a consent decree in this case this spring establishing new standards for the welfare department to ensure equal access for LEPs.

b. NLS' Legal Services for LEPs

In addition to our advocacy with other agencies, NLS constantly strives to improve our own services to LEPs. First, we seek to hire a range of bilingual employees. Among the languages currently spoken by our advocates and attorneys are: Spanish, Armenian, Khmer (Cambodian), Chinese (both Mandarin and Cantonese), Korean and Vietnamese. When a person seeking services speaks a language other than these we rely on paid translators or the AT&T language line (which provides translation for a fee) to assist them. In addition, we work with other non-profit agencies that assist us with interpretation. For instance, our Health Consumer Center, which serves all of LA County (and therefore has additional language needs), has agreements with other agencies to assist with Russian and Farsi interpretation.

NLS also conducts community presentations in other languages. When the presentation is in English we offer simultaneous translation using headsets and either our own staff or paid interpreters to translate. We also translate all of our community education materials into Spanish, and, as appropriate into other languages. For instance, because of the disproportionate impact of welfare time limits on LEPs, we are currently translating new time limit materials into the "threshold" languages mentioned above.

NLS has also adopted special projects to help LEPs including the Asian Language Legal Intake Project ("ALLIP"). ALLIP is a collaboration of Neighborhood Legal Services, Asian Pacific American Legal Center, Legal Aid Foundation of Los Angeles and Legal Aid Society of Orange County. It is a hotline and intake system that seeks to improve access to justice and legal services for underserved low-income monolingual Asian populations of Los Angeles and Orange Counties. It was set up to address the dire needs of the API community that struggles to receive affordable, quality legal services. More than 20% of APIs in Los Angeles County live in poverty, yet less than half of those eligible for services actually seek and receive help with their legal

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issues.¹¹ Nearly half of all Asian born persons in California are LEP¹² and the lack of services in their native languages has served as the major barrier to legal assistance. As a result, monolingual Asian clients are shuffled from one legal agency to another seeking advocates that can speak their language. Many are victimized by illegitimate businesses that purport to provide low-cost legal services, but instead take advantage of people that have no concept of the American legal system. Without ALLIP many clients would go without help, or worse would be victimized by fraudulent providers. Such problems exist in other immigrant communities throughout the United States. For instance, within Hispanic communities "notarios" (aka "non-lawyer immigration consultants") are infamous for their deceptive practices. This is yet another reason why it is important for the Corporation to exert leadership in this area--the cost to immigrant communities can be very high.

ALLIP also serves as an example of what can be done to help LEPs. ALLIP reduced the confusion for LEP Asian clients by creating a new network of providers and a streamlined legal referral process. Furthermore, ALLIP's linguistically and culturally sensitive advocates and attorneys have eliminated cultural and language barriers that prevented monolingual APIs from accessing needed legal services.

Recommendations

Clearly the needs of LEPs in LA and throughout the U.S. are great. Yet as evidenced by the experience of the API community prior to ALLIP, LEPs' access to legal help has been difficult at best. Based upon our experience, we believe LSC should play a role in assisting programs in understanding the needs of LEPs and in developing model programs and methods to better serve LEPs.

1. **LSC should not issue its own regulations.** We do not believe issuing regulations is an appropriate method for the reasons outlined in the federal register and in comments by NLADA/CLASP.
2. **LSC should issue its own non-regulatory guidance for recipients modeled on the DoJ Guidance.** We recommend this approach be taken after consultation with grantees and the National LEP Advocacy Task Force. We suggest that a working group of grantees and other agencies (including the Task Force) with experience in delivering legal services to LEPs be formed to look at this issue and to recommend language for the Guidance. Grantees should be included in these efforts. Our agency, for instance, would offer a unique perspective and valuable insight based on our considerable experience in serving and advocating for LEPs.

¹¹ Based on data from the U.S. Census Bureau (2000) in a presentation by ALLIP to the Legal Services Corporation Board on November 28, 2002 in Los Angeles, California.

¹² *Id.*

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3. **LSC could refrain from issuing its own guidance, but commend the DOJ Guidance to LSC recipients.** We do not recommend this option as the sole method of addressing this issue. While NLS does receive funds from other federal agencies, not all LSC programs receive other federal financial assistance and, therefore, are not subject to the DOJ Guidance. Furthermore, because it covers a different set of programs, the Guidance is general in nature and there are unique aspects to delivering legal services that it does not address. While sharing the DOJ guidance with programs might be useful, LSC should develop its own guidance tailored to issues that arise in serving LSC clients. If LSC chooses to recommend the DOJ Guidance, its key provisions should be highlighted to assist grantees in understanding their obligations.
4. **LSC could take no action.** We do not recommend this approach. As demonstrated by the statistics cited above, nationally LEPs comprise an ever-growing segment of the low-income population. LSC programs need to begin to address the issues and challenges faced by this population. LSC can assist grantees in those efforts. At a minimum, LSC should disseminate best practices and set up a working group to develop LSC Guidance.
5. **LSC could collect and disseminate information and best practices to its recipients.** We encourage LSC to take this approach immediately while it convenes a working group to develop language for the guidance. We also encourage LSC to work with grantees and the LEP Advocacy Task Force to begin to gather and disseminate via its website and publications technical assistance and information on best practices. The working group mentioned above could begin the process of developing the guidance by gathering information on service delivery models such as ALLIP (described above). It is also important for LSC to develop its own expertise in this area to ensure future compliance.

Thank you for offering us this opportunity to comment on this important issue. We believe it is critical for LSC to address the issue of grantees serving LEPs given their growing numbers and the risk that many face from unscrupulous providers. NLS would welcome any opportunity to assist your office in this undertaking. Specifically, we would be willing to participate in a working group, should you choose to set one up. If you have any questions regarding this matter, feel free to contact either Neal Dudovitz (818-834-7590 ndudovitz@nls-la.org) or Kate Meiss (818-834-7527; kmeiss@nls-la.org).

Respectfully Submitted,



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Neighborhood Legal Services of LA County



Kate Meiss, Supervising Attorney
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